



**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/857,100	05/15/97	NEVILL	L 660073.555

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MM51/0821

EXAMINER
STCYR, D

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 08/21/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/857,100**

Applicant(s)  
**Leland R. Nevill**

Examiner  
**Daniel St.Cyr**

Group Art Unit  
**2876**



☒ Responsive to communication(s) filed on May 15, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-18 is/are pending in the applicat

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-18 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 3

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## DETAILED ACTION

### *Claim Rejections - 35 U.S.C. § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-15 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Yokokawa, US Patent No. 4,904,853.

Yokokawa discloses a dual-function information carrying sheet device comprising : a programmable integrated circuit 26 containing electronic data therein; and a visual information 32 recorded on the sheet wherein the electronic data is associated with the visual optical data stored in the medium. (See figures 1-3; col. 3 lines 16-64).

Re claims 3 and 9, the method of associating the electronic data with the optical data is inherently including the step of accessing a look-up table in order to verify that the two data are indeed the same.

Re claims 4 and 12, a plurality of programmable links may be used, such as ROM, EEPROM, etc. (See col. 5, lines 11-18).

Re claim 5, a glue is used for placing an adhesive label on the integrated circuit. (See col. 10, lines 1-7).

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Re claim 6, wherein the marking of the integrated circuit is done by inscribing a symbol on the integrated circuit.

Re claim 15, the contacts 28 connect to the housing for providing electrical connection between the integrated circuit and circuitry external to the housing (see col. 3, lines 33- 63).

***Claim Rejections - 35 U.S.C. § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokokawa.

The teachings of Yokokawa have been discussed above.

Yokokawa does not specifically disclose a second optical mark carrying the same identification data, but the area of the optical data of Yokokawa is fairly large which can easily incorporate a larger optical image or a multiple of smaller optical images. Furthermore, having a second optical mark carrying the same identification data is a duplication of elements. Therefore, it would have been obvious to duplicate the identification data.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Doederlein et al, US Patent No. 5,641,164, disclose a talking trading card. Voshell et

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al, US Patent No. 5,742,526, disclose an apparatus and method for identifying an integrated device. Welander, US Patent No. 5,743,801, discloses a collectable video sport card. Shepherd, US Patent No. 5,748,731, disclose electronic trading cards.

Papers related to this application may be submitted to Technology Center 2800 by facsimile transmission. Papers should be faxed to Technology Center 2800 via PTO fax machine located at Crystal plaza 4. The fax number is **(703)308-7722**.

Any inquiry concerning this communication from the examiner should be directed to **Daniel St.Cyr** whose telephone number is **(703) 305-2656**. The examiner can normally be reached between the hours of **8:00AM to 4:30PM** Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Anita Pellman Gross**, can be reached at **(703) 308-4869**.

Any inquiry of general nature relating to the status of this application should be directed to the group receptionist whose telephone is **(703)308-0956**.

August 12, 1998

DS